

Home and Community-Based Services (HCBS) Rule – Home and Community-Based (HCB) Settings Quality Review Process

Waiver Participant and Family/Caregiver Presentation

South Carolina Department of Health and Human Services (SCDHHS)

with

South Carolina Department of Disabilities and Special Needs (SCDDSN)

Agenda

- Introduction
- Medicaid overview
- Institutional overview
- Medicaid waiver overview
- Home and Community-Based Services (HCBS) Rule
- Home and Community-Based (HCB) Settings Quality Review process

Introduction

- Presentation for people in a Medicaid program called a “Home and Community-Based waiver,” and their families, caregivers, and others who support them
- Information about a new process: “Home and Community-Based Settings Quality Review”
- First:
 - Review some background information
- Next:
 - Explain the HCB Settings Quality Review process
 - What you need to know

Medicaid Overview

- Medicaid is a program like health insurance
 - This is the health insurance that you, as a waiver participant, have
 - It will pay for things you need like going to the doctor or buying medicine
- Medicaid is paid for by both the federal government and by the state government
 - Federal government = Centers for Medicare and Medicaid Services (CMS)
 - State government = South Carolina Department of Health and Human Services (SCDHHS)

Medicaid Overview (Cont.)

- When people who have Medicaid have specific needs (like a disability), Medicaid can pay for services to meet those needs
- Those services can be provided in:
 - Institutions (also called “facilities”), or
 - In your home and community through a program called a “Home and Community-Based waiver”
- A person must choose where to receive these services:
 - In an institution, or
 - Through an HCB waiver

Medicaid Overview (Cont.)

- Medicaid HCB waivers are paid for by both the federal government and the state government
 - Federal government = CMS
 - State government = SCDHHS and the South Carolina Department of Disabilities and Special Needs (SCDDSN)
- CMS tells SCDHHS how we can use the money (rules and regulations)
- SCDHHS and SCDDSN work together to use the money for your waiver services
 - Waiver = Intellectually Disabled/Related Disabilities (ID/RD)
 - Waiver = Community Supports (CS)
 - Waiver = Head and Spinal Cord Injuries (HASCI)

Institutions vs. Waiver Programs

Institutional Overview

- Institutions include:
 - Hospitals
 - Nursing facilities
 - Psychiatric hospitals
 - Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID)
- Institution of focus: ICF/IID
 - All services are available through the facility
 - After choosing the institution, there are very few other choices the person is allowed to make

Institutional Overview (Cont.)

- Institutions, like ICFs/IID, have specific requirements from the government
- Requirements must be followed to receive payment for services provided in institutions
- Some ICF/IID requirements include (1):
 - Physician (doctor) chosen by facility, not resident
 - Resident's diet (meals and snacks) prescribed by physician
 - All meals and snacks served at specific times
 - Resident has a detailed, regimented daily schedule
 - Facility has policies to address the extent to which resident choice will be allowed
 - A resident's choice is not guaranteed

Medicaid Waiver Overview

- HCB Services = Waiver services
- Waiver services are meant to keep a person in their home and community
 - The services are meant to also help prevent, or delay, people from having to go into an institution
- Waiver programs are **not** all-inclusive
 - Specific services are chosen by the person to meet their needs
 - Choosing an HCB waiver instead of an institution is the first of many choices the person will make

Medicaid Waiver Overview (Cont.)

- HCB waiver services also have specific requirements from the government
- Requirements must be followed to receive payment for services provided through an HCB waiver
- Some HCB waiver requirements include:
 - Waiver participants must decide what types of services will best meet their needs
 - Waiver participants must freely choose the providers of the services they need

What is the Home and Community-Based Services (HCBS) Rule?

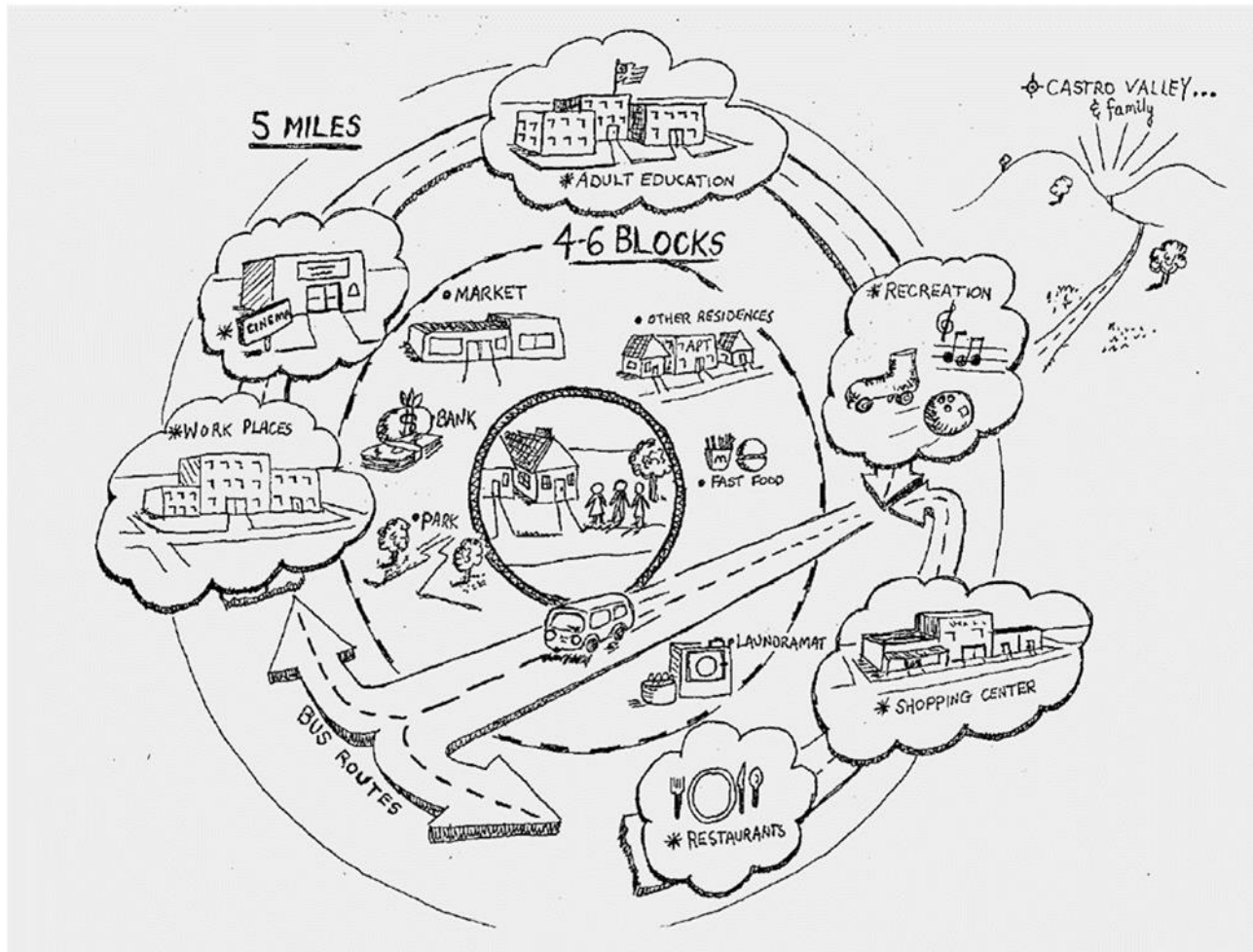
- Federal government (CMS) added new requirements for HCB waiver programs
- These new requirements are called the “Home and Community-Based Services (HCBS) Rule”
- The federal government wanted to:
 - “Focus on the quality of individuals’ experiences” (2) and
 - Have “community inclusion” for all Medicaid HCBS participants” (3)

What is the HCBS Rule?

- The rule requires that HCB waiver services:
 - Take place in an integrated setting
 - Support your access to your community
 - Protect your rights as an individual
 - Support you to achieve your goals
 - Provide you with *meaningful* choices
- HCB services should help support you in living your best life

Independent • Integrated • Individual

HCB Settings



(4)

HCB Settings (Cont.)

- Settings are where you receive your HCB waiver services
- These are settings where you live (“residential settings”):
 - Community Training Homes I and II (CTH I and CTH II)
 - Supervised Living Program II (SLP II)
 - Supported Living Program I (SLP I)
 - Community Residential Care Facility (CRCF)
 - Community Inclusive Residential Supports (CIRS)
- These are settings where you go during the day:
 - Day programs:
 - Adult activity center (AAC)
 - Work activity center (WAC)

HCB Settings (Cont.)

- These HCB settings should:
 - Support you in accessing the community in ways you want
 - Support you in learning how to access the community
 - Church
 - Shopping
 - Recreation/leisure
 - Support you if you want to get a job in the community or learn skills to be able to get a job
 - Support you to help you control your personal resources, or learn how to control your personal resources:
 - Money
 - Time
 - Space

HCB Settings (Cont.)

- All settings are in the process of making changes to follow these new federal requirements
 - All settings must make all the changes by March 17, 2022
- Part of meeting the new requirements includes making sure that HCB settings are not like institutions
 - HCB waiver services must be provided in the home and community, not in an institution
 - The federal government requires that waiver settings are not like institutions
 - If there are waiver settings that might be like institutions, we have to take a closer look at them

HCB Settings (Cont.)

- HCB settings that might be like institutions are (5):
 - Any setting located **in** an institution
 - “Category 1”
 - Any setting **next to** an institution (like an ICF/IID)
 - “Category 2”
 - Any setting that has the effect of isolating people from their broader community
 - “Category 3”

HCB Settings Quality Review Process

- South Carolina calls this process the “HCB Settings Quality Review process”
 - We have to look at any HCB setting next to an ICF (“Category 2”)
 - We have to look at any HCB setting that might isolate people from the community (“Category 3”)

HCB Settings Quality Review Process (Cont.)

- South Carolina has defined Category 3 settings that might isolate people from the community as (6):
 - Three or more settings grouped together
 - An apartment complex that is only for people who have the same disability as you
 - Two CRCFs that are next to each other and that used to be ICFs
 - A setting with a locked fence around it that seems to keep people in or keep people out

HCB Settings Quality Review Process (Cont.)

- Purpose of the process:
 - Take a closer look at settings that might be like an institution and might isolate people from their community
 - Determine if those settings are:
 - Institution-like, or
 - Home-like and integrated in the community
- The HCB Settings Quality Review Process will take place between Dec. 2019 and Oct. 2020
- SCDHHS and SCDDSN are working with providers to help them follow the new rules

HCB Settings Quality Review Process (Cont.)

- There is a list of settings:
 - 4 day programs/work centers
 - 113 residential settings
- Category 2 settings (next to an ICF):
 - 3 day programs
 - 2 SLP II complexes
 - 5 CTH II (group homes)
- Category 3 settings (might be isolating):
 - 1 day program
 - 17 SLP I (apartments)
 - 25 SLP II complexes
 - 31 CTH II (group homes)
 - 15 Community Inclusive Residential Supports (CIRS)
 - 18 CRCFs
 - There are 9 pairs of CRCFs (2 CRCFs next to each other)

HCB Settings Quality Review Process: Steps

- We will collect information about each setting on the list
 - Some information will come from providers:
 - Pictures
 - Maps
 - Things the provider/agency is doing to meet the new requirements
 - Results from reviews of the provider/agency

HCB Settings Quality Review Process: Steps (Cont.)

- However, the most important part of the information will come from you
 - We want to know what you think about the setting(s) you use
 - For homes/residential settings, what it is like to live there?
 - For day programs, what it is like to go there?
- Someone will come and talk with you at your home or at your day program
 - You can choose to talk with them or not

HCB Settings Quality Review Process: Steps (Cont.)

- When we come to talk to you, we might ask questions like:
 - Do you get to do different things during the day or is it always the same thing?
 - Do you get to choose what you do?
 - Do those around you treat you with respect?
 - Do you get help when you need it?
 - Do you get to choose what you eat?
 - Are there parts of your home where you cannot go unless staff say its okay?

HCB Settings Quality Review Process: Steps (Cont.)

- If you want to send information to SCDHHS and/or SCDDSN directly, you can
 - Email:
 - Janet Priest at: jpriest@ddsn.sc.gov
 - Kelly Eifert at: kelly.eifert@scdhhs.gov
 - Mail:
 - SC Department of Disabilities and Special Needs
ATTN: Janet Priest
3440 Harden St. Ext.
Columbia, SC 29203
 - SC Department of Health and Human Services
ATTN: Kelly Eifert
P.O. Box 8206
Columbia, SC 29202-8206

HCB Settings Quality Review Process: Steps (Cont.)

- All the information on each setting will be reviewed, most importantly what you share
- The state must decide:
 - Is the setting more home-like and community-based?
 - Does the setting support you being involved in the community?
 - Does it support you working towards your goals?

OR

- Is the setting institution-like?
 - Is the setting isolating?
 - Does it restrict your choices?

HCB Settings Quality Review Process: Steps (Cont.)

- If the setting is home-like and community-based, it is sent to CMS to review
 - We have to do a “public notice”
 - CMS has the final say
- If the setting is institution-like:
 - Cannot provide waiver services there after March 17, 2022
 - You would have help to:
 - Find a new place to go during the day, and/or
 - Find a new place to live, and/or
 - Find a different way to have your services paid for (just not waiver)

HCB Settings Quality Review Process: Review

- Review of the steps:
 - SCDHHS and SCDDSN will collect information on the setting (home/day program)
 - Interview the people who live in/attend that setting
 - SCDHHS and SCDDSN will review the information about the setting
 - This includes information sent in directly from waiver participants and/or families/caregivers
 - SCDHHS and SCDDSN will decide if the setting is:
 - Home-like and community-based
 - OR
 - Institution-like

Questions?

- Contact:
 - Janet Priest at: jpriest@ddsn.sc.gov
 - Kelly Eifert at: kelly.eifert@scdhhs.gov
 - SCDHHS HCBS website – Comments page:
<https://msp.scdhhs.gov/hcbs/webform/comments-questions>
- SCDHHS HCBS website:
 - <https://msp.scdhhs.gov/hcbs/>
- HCB Settings Quality Review website:
 - <https://msp.scdhhs.gov/hcbs/site-page/hcb-settings-review>

Resources

- 1) Code of Federal Regulations, Title 42, Part 483, Subpart I. Retrieved from: <https://www.ecfr.gov/cgi-bin/text-idx?SID=154bbe5a8a1839ff849d8a958a28a7bc&mc=true&node=sp42.5.483.i&rgn=div6>
- 2) Centers for Medicare and Medicaid Services (CMS) (October 26, 2015). *Home and Community-Based Settings, Excluded Settings, and the Heightened Scrutiny Process*. Webinar retrieved from: <https://www.medicaid.gov/medicaid/hcbs/downloads/hcb-excluded-settings-and-heightened-scrutiny.pdf>
- 3) Centers for Medicare and Medicaid Services (CMS) (June 2019). *System Change vs. Compliance Mindset Approach in Implementing the Settings Rule*. Webinar retrieved from: <https://www.medicaid.gov/medicaid/hcbs/downloads/training/integrated-system-change.pdf>
- 4) Graphic Source: O'Brien, C.L. and O'Brien, J. (2000). *The Origins of Person Centered Planning*. Retrieved from: [http://www.nasddd.org/uploads/documents/The Origins of Person Centered Planning Obrien and Obrien.pdf](http://www.nasddd.org/uploads/documents/The%20Origins%20of%20Person%20Centered%20Planning%20Obrien%20and%20Obrien.pdf)

Resources

- 5) Code of Federal Regulations, Title 42, Part 441, Subpart G, Section 301(c)(5). Retrieved from: http://www.ecfr.gov/cgi-bin/text-idx?SID=76f3a7cf2f3c96b9b1053ee4a05e818a&mc=true&node=se42.4.441_1301&rgn=div8
- 6) South Carolina Department of Health and Human Services (Oct. 2019). *South Carolina Home and Community Based Services Statewide Transition Plan*, p. 83. Retrieved from: <https://msp.scdhhs.gov/hcbs/sites/default/files/SC%20Statewide%20Transition%20Plan%20Revised%20Aug%202019.pdf>

